

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Narcissus Avenue (2551) Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential); and Rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Tina Deater **EXT** 7440

**Agenda Date** 11/03/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request for a Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential), subject to the attached development order, and a rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District) on approximately 1.0 acre located on the south side of Narcissus Avenue across from Power Road (Sam Kram, applicant); or
2. Recommend DENIAL of the request for a Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential), and a rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District) on approximately 1.0 acre located on the south side of Narcissus Avenue across from Power Road (Sam Kram, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

**BACKGROUND:**

The applicant, Sam Kram, is requesting approval of a Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential), and a Rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District), in order to preserve the existing historical house on the property.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential),

Reviewed by:	<u>UL</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-051</u>
	<u>01-04SS.010</u>

subject to the attached development order, and a rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District),

**Attachments:**

Development Order  
Ordinances  
Locator Map  
Aerial Map

## Narcissus Avenue (2551) Rezone and Small Scale Land Use Amendment

<b>Industrial to Low Density Residential and M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District)</b>		<b>Amendment (05.04SS.02&amp; Z2004-051)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Sam Kram	
<b>PLAN AMENDMENT</b>	Industrial to LDR (Low Density Residential)	
<b>REZONING</b>	M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District)	
<b>APPROXIMATE GROSS ACRES</b>	Approximately 1.0	
<b>LOCATION</b>	Located on the south side of Narcissus Avenue across from Power Road	
<b>BCC DISTRICT</b>	5 – Commissioner McLain	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION</b>	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential), and a Rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District),	

### STAFF ANALYSIS & FINDINGS

1. **Property Owner:** David Shidemantle
2. **Tax Parcel Number of the Property to be Rezoned:** 22-19-30-5AD-0000-0240



## SITE DESCRIPTION

**1. EXISTING AND PERMITTED USES:** The Future Land Use and zoning of surrounding properties are as follows:

Location	Future Land Use*	Zoning*	Current Use
Site	Industrial	M-1 (Industrial District)	Single-family Residential
North	LDR (Low Density Residential)	R-1AA (Single-family Dwelling District)	Single-family Residential
South	Industrial	M-1 (Industrial District)	Mulching Company
East	Industrial, LDR (Low Density Residential)	M-1 (Industrial District), A-1 (Agriculture District)	Mulching Company, Single-family Residential
West	Industrial	M-1 (Industrial District)	Mulching Company

*\*See enclosed future land use and zoning maps for more details.*

## COMPREHENSIVE PLAN CONSISTENCY

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed future land use and zoning amendments would not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Transportation Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

**A. Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access is available to the site from Narcissus Avenue, which is classified as a local street.

**B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is is served by a private well and septic system.

**C. Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by Seminole County EMS/Fire Services. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

**A. Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, the proposed Plan amendment would create no adverse impacts to public facilities.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Future Land Use Policies 1.2 and 1.3).*

At this time there are no concerns with compliance with environmental regulations.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate*



*those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

**4. DEVELOPMENT POLICIES** – The comprehensive plan contains additional criteria and standards that describe when, where and how development should occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** *When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).*

Based upon an initial evaluation, the proposed Low Density Residential future land use, with the attendant R-1AAAA zoning request, would be compatible with surrounding land uses and is consistent with Plan policies identified at this time and thereby consistent with the Vision 2020 Plan. The subject property is located within an area that was historically a mixture of residential and industrial uses and is now transitioning to predominantly residential uses. Although adjacent to property with an Industrial future land use designation, the subject property has been used as a residence since the 1920s and fronts on a residential street, facing R-1AA zoning. On the north side of Narcissus Avenue, west of the subject property, a residential subdivision is being built within the City of Sanford. To the north and east of the subject property, the future land use designation is Low Density Residential within unincorporated Seminole County.

Although the area is becoming predominantly residential in nature, the subject property is adjacent to property that is zoned M-1 and has Industrial future land use that is currently being used for a mulching business. Under the landscaping regulations of the Seminole County Land Development Code, if the subject property was rezoned to residential, the adjacent M-1 property would not be required to adhere to the Active/Passive buffer standards because 1) the parcel has existed adjacent to a parcel that would not have required Active/Passive buffers and 2) the residential land use and zoning would be applied after March 1, 2000. In order to ensure that the owner of the subject property is aware of the fact that they are adjacent to industrial property and that the owner of the industrial property is not obligated to provide an Active/Passive

buffer, staff is recommending that the land use amendment to Low Density Residential be subject to the attached Development Order. The Development Order states that the applicants understand and agree that they are located in an industrial area and they do not have a right to the active/passive buffer, where they are adjacent to the industrial property, which is consistent with the current landscaping requirements of the Land Development Code.

**Transitional Land Uses:** *The County shall evaluate plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.*

*FLU 4.2 Infill Development*

*FLU 5.5: Water and Sewer Service Expansion*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

#### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from Industrial to LDR (Low Density Residential), subject to the attached development order, and a rezone from M-1 (Industrial District) to R-1AAAA (Single-family Dwelling District).



## **SEMINOLE COUNTY DEVELOPMENT ORDER**

On December 14, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

Property Owner: David Shidemantle

Project Name: Narcissus Avenue Small Scale Land Use Amendment Industrial to Low Density Residential

Requested Development Approval: Small Scale Land Use Amendment Industrial to Low Density Residential

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771



NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The subject property is located adjacent to property with M-1 (Industrial District) zoning and Industrial Future Land Use.
- b. The owners of the subject property hereby waive and relinquish any and all claims for the adjacent property owners to construct or maintain an Active/Passive buffer adjacent to the subject property.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_

Chairman, Board of County Commissioners

## OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, David Shidemantle, on behalf of himself and his heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

David Shidemantle

Print Name

Witness

Print Name

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, David Shidemantle, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEG N 132 FT OF LOT 24 + N 132 FT OF W 56 FT OF LOT 23 FLA LAND + COL COS  
CELERY  
PLANTATION PB 1 PG 129

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM INDUSTRIAL TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on November 3, 2004, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and



**WHEREAS**, the Board of County Commissioners held a Public Hearing on December 14, 2004, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Narcissus Avenue Rezone and Small Scale Land Use Amendment Staff Report."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
10.04SS.10	Amendment from Industrial to Low Density Residential

- (b) The associated rezoning request was completed by means of Ordinance Number 2004-\_\_\_\_.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.



Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 14<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By:\_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEG N 132 FT OF LOT 24 + N 132 FT OF W 56 FT OF LOT 23 FLA LAND + COL COS  
CELERY  
PLANTATION PB 1 PG 129



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE M-1 ZONING CLASSIFICATION THE R-1AAAA ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Narcissus Avenue Rezone and Small Scale Land Use Amendment."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from M-1 to R-1AAAA in accordance with the contents of the documents titled, "Narcissus Avenue Rezone and Small Scale Land Use Amendment":

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

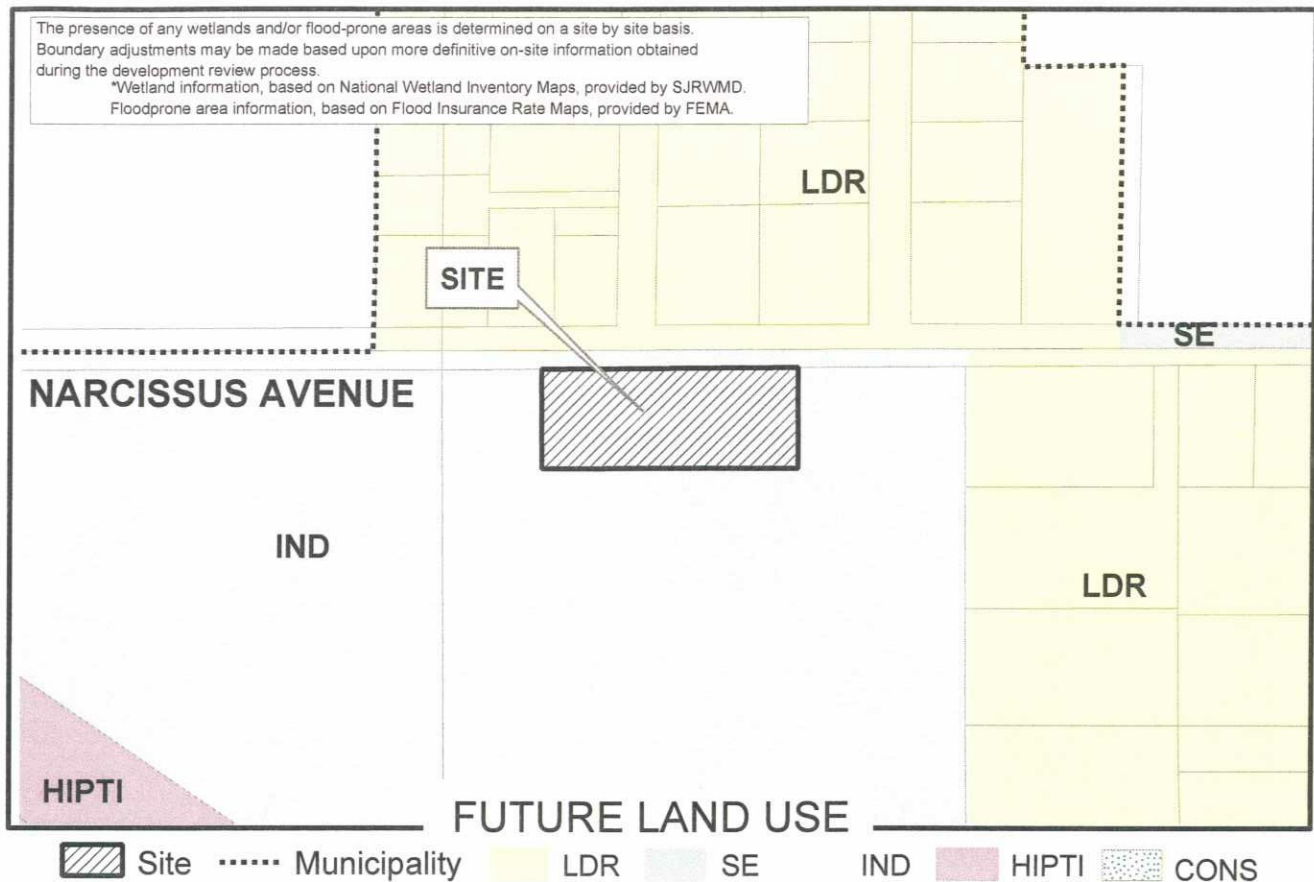
By: \_\_\_\_\_

**EXHIBIT A**  
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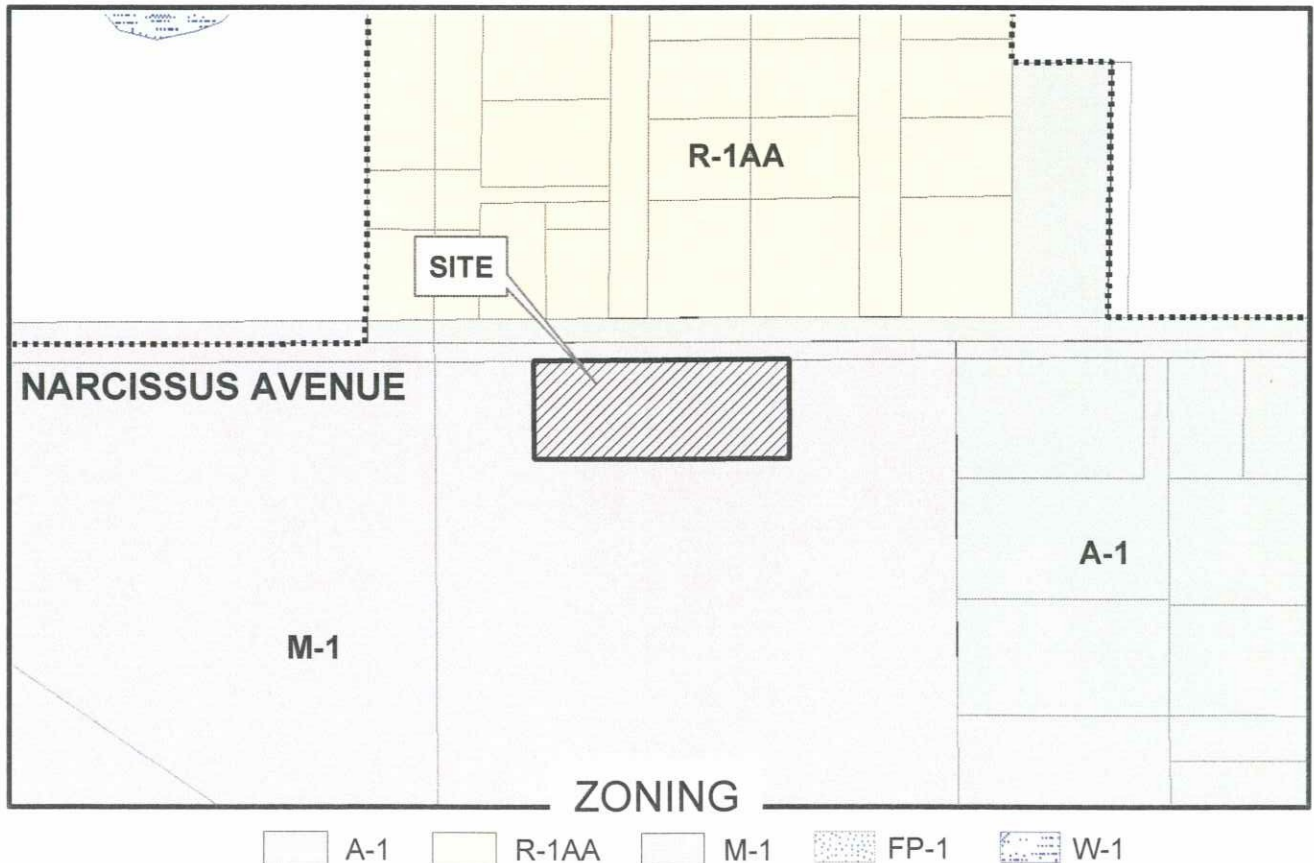


The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Applicant: Narcissus Ave Rezone (2551)  
 Physical STR: 22-19-30-5AD-0000-0240  
 Gross Acres: +/- 1      BCC District: 1  
 Existing Use: Single Family Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	10-04SS.010	IND	LDR
Zoning	Z2004-051	M-1	R-1AAAA







Amendment No: Z2004-051  
 From: IND To: LDR  
 Rezone No: 10-04SS.01  
 From: M-1 To: R1-AAAA

 Parcel  
 Subject Property



February 1999 Color Aerials